

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/225,245	01/04/99	TOMOE	N 1137-761

TM11/1012  
ROTHWELL FIGG ERNST & KURZ  
555 13TH STREET NW  
WASHINGTON DC 20004

EXAMINER	
VO, N	
ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 10/12/00 3

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/225,245</b>	Applicant(s) <b>Tomoe</b>
	Examiner <b>Nguyen Vo</b>	Group Art Unit <b>2682</b>

- Responsive to communication(s) filed on \_\_\_\_\_
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

- Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) 10 and 11 is/are allowed.
- Claim(s) 1, 2, 12, and 13 is/are rejected.
- Claim(s) 3-9 and 14-20 is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 1
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 01/04/99 has been considered and made of record by the examiner.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the words "to have" on page 4 line 13 should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimi (5,603,093) in view of the prior art of figure 11 as admitted by applicant on pages 1-5 of the present specification.

As to claims 1-2, 12-13, Yoshimi discloses an interference wave detecting device wherein when the interference wave is detected in a zone of a base station, the transmission of the base station is stopped so that the interference wave are detected more accurately (see column 1 lines 60-65, column 2 lines 6-12). Yoshimi, however, fails to expressly disclose transmitting means, receiving means as recited in the claim. The admitted prior art discloses an interference wave detecting device which is disposed at a base station and comprises transmitting means and receiving means (see figure 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of disposing the interference wave detecting device at a base station as taught by the admitted prior art to Yoshimi, in order to reduce the implementing cost as well as system complexity.

#### *Allowable Subject Matter*

6. Claims 3-9, 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As to claims 3-6, 14-17, the cited prior art fail to disclose causing the transmitting means to stop transmitting the radio signal only when the transmitting means is transmitting one or more continuous null time slots of the radio signal as specified in the claim.

As to claims 7-8, 18-19, the cited prior art fail to disclose detecting an interference wave signal as specified in the claims.

As to claims 9, 20, the cited prior art fail to disclose test signal as specified in the claim.

7. Claims 10-11 are allowed.

As to claim 10, the cited prior art fail to disclose an interference wave detecting device as specified in the claim.

### *Conclusion*

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo, whose telephone number is (703) 308-6728. The Examiner can normally be reached on Tuesday-Friday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Monday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Nguyen Vo  
October 9, 2000



NGUYEN VO  
PRIMARY EXAMINER